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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,076	09/22/2003	Roger Jette	761-3 CIP PCT US CIP II C	1258

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,076

Applicant(s)

JETTE, ROGER

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claim 1 is objected to because of the following informalities: line 3 “string elements” is improper. Should it be “stringer elements”? Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400) and Penczak et al.

Bettinger shows an article support apparatus for use with a raised floor system including a plurality of support pedestals, stringer elements (24) extending between support pedestals, and floor panels disposed atop the stringer elements.

Bettinger does not show an article support member operatively disposed between adjacent stringer elements, the article support member being configured to support articles thereon, at least one mounting mechanism connectable between the article support member and at least one stringer element, the mounting mechanism adapted to mount the article support member to at least one stringer element of a raised floor system such that the article support member depends from the at least one stringer element.

Penczak et al discloses an article support member (22) operatively disposed between adjacent stringer elements, the article support member being configured to support articles thereon.

Greenblatt discloses at least one mounting mechanism (54) connectable between the article support member and at least one stringer element, the mounting mechanism adapted to mount the article support member to at least one stringer element of a raised floor system such that the article support member depends from the at least one stringer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettinger's structure to show an article support member operatively disposed between adjacent stringer elements, the article support member being configured to support articles thereon as taught by Penczak et al, at least one mounting mechanism connectable between the article support member and at least one stringer element, the mounting mechanism adapted to mount the article support member to at least one stringer element of a raised floor system such that the article support member depends from the at least one stringer element as taught by Greenblatt because it would allow for the holding of utilities underneath the raised floor without having utilities touching the ground.

Per claim 2, Bettinger's modified structures shows the mounting mechanism including at least one connection member, the at least one connection member being connectable with the article support member and adapted to mount the article support member to the stringer element.

3. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400) and Penczak et al as applied to claim 2 above and further in view of Trautmann (2983389).

Bettinger as modified shows all the claimed limitations except for the mounting mechanism further including at least one fastener adapted to engage with the connection member.

Trautmann (figure 12) shows a mounting mechanism including at least one fastener adapted to engage with the connection member (156).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettinger's modified structure to show the mounting mechanism further including at least one fastener adapted to engage with the connection member because having a fastener functioning as the attaching means enables the fastening and loosening of the mounting mechanism which allows the mechanism to adjust to any desired position as taught by Trautmann (col 7 lines 62-70).

Per claim 4, Bettinger as modified shows the at least one fastener including a head portion (51), an elongated shank portion extending from the head portion and a latch member (84) attached to the elongated shank portion.

4. Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400) and Penczak et al.

Bettinger shows an article support apparatus for use with a raised floor system including a plurality of support pedestals, stringer elements (24) extending between support pedestals, and floor panels disposed atop the stringer elements.

Bettinger does not show an article support member operatively disposed between adjacent stringer elements, the article support member being configured and dimensioned to support articles thereon, at least one suspension assembly adapted to connect the article support

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member to at least one stringer element of the raised floor system such that the article support member is suspended from the at least one stringer element.

Penczak et al discloses an article support member (22) operatively suspended between adjacent stringer elements, the article support member being configured to support articles thereon.

Greenblatt discloses at least one suspension assembly (54) adapted to connect the article support member to at least one stringer element of the raised floor system such that the article support member is suspended from the at least one stringer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettinger's structure to show an article support member operatively disposed between adjacent stringer elements, the article support member being configured and dimensioned to support articles thereon as taught by Penczak et al, at least one suspension assembly adapted to connect the article support member to at least one stringer element of the raised floor system such that the article support member is suspended from the at least one stringer elements taught by Greenblatt because it would allow for the holding of utilities underneath the raised floor without having utilities touching the ground.

5. Claims 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400) and Penczak et al as applied to claim 8 above and further in view of Trautmann (2983389) and Kindorf (2784812).

Bettinger as modified shows all the claimed limitations except for the suspension assembly including an adjustable fastener adjustable from a first configuration to permit insertion of the adjustable fastener into a channel portion defined in a stringer of a raised floor system to a

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second configuration wherein at least a portion of the adjustable fastener biases against the stringer elements to facilitate suspension of the article support member from the stringer.

Trautmann (figure 12) shows a suspension assembly being mounted into a channel in the stringer (29), the assembly having an adjustable fastener(51).

Kindorf (figure 2) shows a connection assembly having an adjustable fastener adjustable from a first configuration to permit insertion of the adjustable fastener into a channel portion defined in a stringer(10) to a second configuration wherein at least a portion of the adjustable fastener biases against the stringer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettinger's modified structure to show the suspension assembly including an adjustable fastener adjustable from a first configuration to permit insertion of the adjustable fastener into a channel portion defined in a stringer of a raised floor system to a second configuration wherein at least a portion of the adjustable fastener biases against the stringer elements to facilitate suspension of the article support member from the stringer because having a fastener functioning as the suspension means enables the fastening and loosening of the suspension assembly which allows the assembly to adjust to any desired position as taught by Trautmann (col 7 lines 62-70), and having the fastener having different first and second configuration would enable easy insertion and removal of the fastener from the stringer element as taught by Kindorf.

Per claim 13, Bettinger as modified shows the adjustable fastener including a movable latch.

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6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400), Trautmann (2983389), Kindorf (2784812) and Penczak et al as applied to claim 13 above and further in view of Olson (5938367).

Bettinger as modified shows all the claimed limitations except for the fastener including a spring disposed between a bolt head and the movable latch which bias the latch away from the bolt head.

Olson (figures 3, 6) shows a fastener including a spring (56) disposed between a bolt head (26) and the movable latch (40), which bias the latch away from the bolt head.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bettinger's modified structure to show the fastener including a spring disposed between a bolt head and the movable latch which bias the latch away from the bolt head as taught by Olson because having a spring in between the latch and the bolt head would apply constant pressure on the two parts and thus preventing the two parts from getting loose.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinger (3811237) in view of Greenblatt (6427400) and Penczak et al as applied to claim 8 above and further in view of Trautmann (2983389) and Kindorf (2784812).

Bettinger as modified shows all the claimed structural limitations. The claimed method steps of installing an article support apparatus would have been the obvious method steps of installing Bettinger's modified structures.

Response to Arguments

8. Applicant's arguments with respect to claims 1-4, 8, 11-, 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different attachment means.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A *PA*

10/1/04

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SUPERVISORY PATENT EXAMINER
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